

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

James L. Roudabush, Jr., #82038-083, )  
)  
Petitioner, )  
)  
v. )  
)  
Warden Mosely, )  
)  
Respondent. )  
\_\_\_\_\_)

Civil Action No. 8:18-1984-BHH

**ORDER**

This matter is before the Court on Petitioner James L. Roudabush's pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for initial review.

On August 21, 2018, Magistrate Judge Jacquelyn D. Austin filed a Report and Recommendation ("Report") outlining the issues and recommending that the Court summarily dismiss this petition without prejudice and without requiring Respondent to file an answer or response based on Petitioner's failure to state a cognizable habeas corpus claim pursuant to § 2241. Specifically, the Magistrate Judge concluded that Petitioner's claims, which all challenge the conditions of his confinement at FCI-Edgefield, are not cognizable pursuant to § 2241, and that Petitioner may raise these claims in a *Bivens* action.<sup>1</sup>

Petitioner filed objections to the Magistrate Judge's Report, asserting that the Report

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<sup>1</sup> As the Magistrate Judge noted, Petitioner has filed numerous actions in this Court pursuant to *Bivens* regarding the conditions of his confinement, and some of those actions remain pending. See ECF No. 13 at 5, n.7.

is erroneous and contrary to law because he can challenge the conditions of his confinement and seek release pursuant to § 2241. Petitioner also filed a motion to correct a previously dismissed Defendant's name and a motion asking the undersigned and Magistrate Judge Austin to recuse themselves. After review, the Court finds all of these filings without merit, and the Court agrees with the Magistrate Judge's analysis regarding Petitioner's claims. Accordingly, it is hereby

**ORDERED** that the Magistrate Judge's Report (ECF No. 13) is adopted and incorporated herein; Petitioner's objections (ECF No. 18) are overruled; Petitioner's motion to correct Defendant's name (ECF No. 19) is denied; Petitioner's motion for recusal (ECF No. 20) is denied; and this § 2241 petition is dismissed without prejudice and without requiring Respondent to file an answer or return.

/s/Bruce H. Hendricks  
The Honorable Bruce Howe Hendricks

November 14, 2018  
Charleston, South Carolina